

ORDINANCE NO. 421

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK AMENDING CHAPTER 2.11 (ELECTION
CAMPAIGNS) OF THE NEWARK MUNICIPAL CODE,
SECTION 2.11.010 (VOLUNTARY EXPENDITURE
CEILING)

The City Council of the City of Newark does ordain as follows:

SECTION 1: Section 2.11.010A of the Newark Municipal Code is hereby amended to read as follows:

- A. A voluntary expenditure ceiling is hereby established for each election to City elective office in an amount equal to one dollar per resident of the City. As used in this section, the term "City elective office" shall mean the offices of Mayor and of member of the City Council.

SECTION 2: Section 2.11.010E of the Newark Municipal Code is hereby amended to read as follows:

- E. Each candidate who accepts the voluntary expenditure ceiling established herein shall be subject to the following contribution limit, \$500.00 per election from an individual, proprietorship, firm, partnership, joint venture syndicate, business trust, company corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

Each candidate who rejects the voluntary expenditure ceiling established herein shall be subject to the following contribution limit, \$100.00 per election from an individual, proprietorship, firm, partnership, joint venture syndicate, business trust, company corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert."

SECTION 3: Section 2.11.010F of the Newark Municipal Code is hereby amended to read as follows:

- F. As to each such candidate, the City Clerk shall provide notification to voters that the candidate has accepted or rejected the voluntary expenditure ceiling established herein.

SECTION 4: Section 2.11.010G of the Newark Municipal Code is hereby amended to read as follows:

- G. Contribution limits do not apply to a candidate's personal funds used to support his or her own election.

SECTION 5: Section 2.11.010H of the Newark Municipal Code is hereby amended to read as follows:

- H. In the event a candidate accepts a contribution and then becomes aware it is in violation of the contribution limit, that violation by the candidate may be excused if the candidate returns the contribution within fourteen days of becoming aware of the violation. Violation of this section shall be an infraction.

SECTION 6: Effective date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Argus, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by Council Member Nagy at the regular meeting of the City Council of the City of Newark held on May 10, 2007.

This ordinance was read at the regular meeting of the City Council held May 24, 2007. Council Member Apodaca moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted and ordered published within fifteen (15) days of the date of adoption in The Argus, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

AYES: Council Members Apodaca, Huezo, Nagy, and Vice Mayor Freitas

NOES: None

ABSENT: Mayor Smith

SECONDED: Council Member Huezo

APPROVED:

(d)(5)

s/LUIS L. FREITAS
Vice Mayor

ATTEST:

(d)(5)

s/SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:

(d)(5)

s/GARY T. GALLIANO
City Attorney

Chapter 2.11
Election Campaigns
Sections: 2.11.010 Voluntary Expenditure Ceiling

- A. A voluntary expenditure ceiling is hereby established for each election to City elective office in an amount equal to one dollar per resident of the City. As used in this section, the term "City elective office" shall mean the offices of Mayor and of member of the City Council.
- B. The city council shall determine the number of residents in the city for the purposes of this section by resolution adopted not less than seven months prior to each regular city election.
- C. Prior to accepting any contributions, each candidate for city elective office shall file with the city clerk a statement of acceptance or rejection of the voluntary expenditure ceiling established herein.
- D. No candidate for city elective office who accepts the voluntary expenditure ceiling established herein and no controlled campaign committee of such a candidate shall make campaign expenditures cumulatively in excess of the voluntary ceiling established herein.
- E. Each candidate who accepts the voluntary expenditure ceiling established herein shall be subject to the following contribution limit, \$500.00 per election from an individual, proprietorship, firm, partnership, joint venture syndicate, business trust, company corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

Each candidate who rejects the voluntary expenditure ceiling established herein shall be subject to the following contribution limit, \$100.00 per election from an individual, proprietorship, firm, partnership, joint venture syndicate, business trust, company corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.

- F. As to each such candidate, the City Clerk shall provide notification to voters that the candidate has accepted or rejected the voluntary expenditure ceiling established herein.
 - G. Contribution limits do not apply to a candidate's personal funds used to support his or her own election.
 - H. In the event a candidate accepts a contribution and then becomes aware it is in violation of the contribution limit, that violation by the candidate may be excused if the candidate returns the contribution to the original contributor within fourteen days of becoming aware of the violation.
- Violation of this section shall be an infraction.

(Ord. 333 § 1997, Ord. 421 § 2007)